


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

MIKE KASSABJI,

Petitioner,

 MAY 13 2010
2:30 pm
MATTHEW J. DYKMAN
CLERK

v.

CIV 09-0675 RB/CG

JAMES JANECKA, Warden, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**


The Magistrate Judge filed proposed findings on April 12, 2010, and recommended that the § 2254 petition be dismissed with prejudice on procedural default grounds. *See Doc. 62*. Because he is under limited filing restrictions, the proposed findings specifically reiterated that objections do not fall within the filing restrictions and must be timely filed to preserve appellate review. *See id.* at 26. The time for objections has long passed, Petitioner still has not filed any objections. Instead, he filed two documents asking for the same relief that this Court has repeatedly denied. *See Docs. 63, 64; see also Docs. 30, 34, 37, 41, 44, 53.*

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 62*) is ADOPTED;

2. This action is dismissed **with prejudice**;
3. A final order enter concurrently herewith;
4. Petitioner remains under the limited filing restrictions consistent with my prior order, *see Doc. 53* – that is, with the exception of any documents necessary to perfect an appeal, the Clerk shall scan, assign a document number and simultaneously docket as “stricken” any document tendered by Petitioner in this action; stricken documents should not be coded as pending; and
5. The *ProSe* Law Clerks be provided notice of these continued limited filing restrictions.



UNITED STATES DISTRICT JUDGE